STATE OF VERMONT
PUBLIC SERVICE BOARD

Dig Safe Notice No. 586

In Re Vermont Telephone Company, Inc., Alleged   )
Violation of August 18, 2008, as reported by Vermont   )
Telephone Company, Inc.   )

Order entered: 11/19/2009

ORDER RE: NOTICE OF PROBABLE VIOLATION

Background

1.   Pursuant to 30 V.S.A. § 7001 et. seq., and Vermont Public Service Board Rule 3.800, the Vermont Department of Public Service ("Department") issued a Notice of Probable Violation of Underground Utility Damage Prevention System ("NOPV") to Vermont Telephone Company, Inc. ("Respondent").

2.   Incident Date: August 18, 2008

3.   Incident Location: Sawyer Hill Road, 1/10 mile on the road 3rd house on left, Mount Holly, VT

4.   Name and Address of Company that Reported the Incident to the Department: Vermont Telephone Company, Inc., 354 River Street, Springfield, VT 05156-2005

5.   Date Incident Reported to Effected Utility: August 18, 2008

6.   Date NOPV issued by Department: July 31, 2009 (#1590)

7.   Department's Statement of Evidence Supporting the Alleged Violation: "The Vermont Telephone Company submitted an Underground Facility Damage Report to the Dept. of Public Service which described damage to the company's underground facilities resultant from excavation activity. It also indicated the company, or its assigns, did not accurately locate or mark the underground facility. The department confirmed the excavator had properly notified Dig Safe System Inc. of the proposed excavation prior to the excavation. The Department of Public Service issued 7 Notices of Probable Violation (NOPV's) to Vermont Telephone during the 12 months preceding this incident."

8.   Statute, Rule, Regulation or Order Allegedly violated: 30 V.S.A. § 7006

9.   The Department's Recommended Remedial Action(s) (Including Civil Penalties): Civil penalty in the amount of Nine Hundred Dollars ($900.00).

10.   The NOPV, along with instructions concerning how to respond to the NOPV, was sent to Vermont Telephone Company, Inc., on July 31, 2009.[1] To date, Vermont Telephone Company, Inc., has not filed a response to the NOPV.

Conclusion and Order

Public Service Board ("Board") Rule 3.807(C) provides:

> Within 30 days of receipt of a Notice of Probable Violation, any person who is the subject of an enforcement proceeding pursuant to that Notice shall make a written response to the Department and to the Board, with a copy to the Company that reported the alleged violation.

Accordingly, we conclude that it is appropriate to make a binding disposition of this matter *by default*, pursuant to 3 V.S.A. Section 809(d).

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

Within thirty days of the date of this Order, Vermont Telephone Company, Inc., shall pay a civil penalty in the amount of Nine Hundred Dollars ($900.00) by submitting to the Public Service Board a check in that amount made payable to the State of Vermont, and sent to the Public Service Board at 112 State Street, Montpelier, VT 05620-2701.

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1. Letter of Hans E. Mertens, dated July 31, 2009.

Dated at Montpelier, Vermont, this __19th__ day of __November_____, 2009.

s/James Volz _____	)	
	)	PUBLIC SERVICE
	)	
s/David C. Coen _____	)	BOARD
	)	
	)	OF VERMONT
s/John D. Burke _____	)	

OFFICE OF THE CLERK

FILED: November 19, 2009

ATTEST: _s/Susan M. Hudson_____
                    Clerk of the Board